

XVII. *Jurisprudence de la Médecine, de la Chirurgie, et de la Pharmacie, en France; comprenant la Médecine Légale, la Police Médicale, la Responsabilité des Médecins, Chirurgiens, Pharmaciens, &c.; l'Exposé et la Discussion des Lois, Ordonnances, Reglemens et Instructions concernant l'art de guérir; appuyé des Jugemens des Cours et des Tribunaux.* PAR ADOLPHE TREBUCHET, Avocat, Chef du Bureau de la Police Médicale et des établissemens insalubres à la Prefecture de Police. Paris, 1834. pp. 756. 8vo.

*Collection des Rapports Généraux sur les Travaux du Conseil de Salubrité de la Ville de Paris, et du Département de la Seine, &c.* PAR V. DE MOLEON. Tome 1. Paris. 1830. pp. 404. 8vo.

These two works, although principally devoted to an exposition of the laws regulating the medical and pharmaceutical professions in France, contain much that is instructive and interesting. The provisions of the French law, with respect to the safety and well-being of the inhabitants of that country, are admirable, and although many of them would appear arbitrary, and could never be enforced in the United States, still there are a vast number which would conduce much to our happiness and comfort if put in force here.

The system of the French *Code Sanitaire* is excellent, and the organization of the *Conseil de Salubrité* of Paris, shows that the government of that country is fully impressed with the necessity that the members composing it should be men of intelligence, and fully competent to decide on the cases that constantly come under their supervision. A perusal of the reports of this body, as given by M. de Moleon, will show that the business of that board of health is very differently conducted from those of the United States, and present the curious anomaly that under a regal government there is more caution in infringing on the rights of its subjects, with regard to the removal, &c. of what are termed nuisances, than takes place in this country, where, from the mode in which our boards of health are constituted, orders are issued for draining ponds and the suspension of certain trades, on the mere dictum of a body of men, who, however estimable they may be in the walks of private life, are, from want of the proper knowledge, but ill calculated to decide on such subjects.

It would not comport with the character of the Journal, to enter into this subject at length, but we will merely add that we trust that if a revision of our health laws should take place, that advantage will be taken of the labours and experience of others, and that we may at least be relieved from the operation of a code of laws which are calculated rather to oppress our mercantile community, than to guard us against the "introduction of malignant and pestilential diseases."

The work of M. Trebuchet contains, in addition to the laws regulating the medical profession, several chapters on medical jurisprudence properly speaking, which are of great interest, as presenting many important cases and the reports made on them, elucidating several obscure or disputed points, especially the diagnostics between wounds, &c. inflicted by others, or with a suicidal intent. We have, however, so often drawn the attention of our readers to these and other subjects connected with legal medicine, that we shall pass them over,

but strongly recommend to those who feel an interest in this neglected branch of medical learning a perusal of this part of M. Trebuchet's treatise.

We cannot, at the same time, avoid noticing the second chapter on medical responsibility, a subject which we believe has never been touched on in this country by any medical man, with the exception of a short chapter in the American edition of Ryan, although we have numerous instances of actions for mal-practice. Many of M. Trebuchet's opinions are, we think, controvertible; but, on the whole, we have been highly pleased and instructed by his exposition, and will endeavour to lay a short abstract of it before our readers.

He begins by asking, "if physicians are responsible for errors committed in the exercise of their profession," and justly observes, that although, according to the strict letter of the law, there can be no doubt that they are, yet that these very laws must necessarily prove nugatory in a majority of cases, from the difficulty of any court coming to a proper decision on the subject. In fact, as is observed by Dr. Beaude, in animadverting on the award in the celebrated trial of Dr. Hélié for amputating the arms of a fœtus in utero, which was afterwards born alive and survived the mutilation—

"A physician who has been regularly educated and received his diploma to that effect, presents to society the best guarantee possible, and having thus fulfilled all the obligations demanded of him, ought to be answerable to his conscience alone, in the treatment of his patients; if not, he is at once trammelled, and would not dare to try what perhaps would afford the only chance of escape to the patient, because if it failed, or was attended with unfortunate results, he at once became responsible for these consequences. The physician who acts conscientiously, and does what he deems the best for patients who commit themselves to his care, ought to have no judge but his God; any other doctrine is false, and could have but one result, that the morality of actions would be judged of by their fruits, and not by their intrinsic merits or demerits."

We fully agree in the view Dr. Beaude has taken, but at the same time are also convinced that certain laws rendering medical men responsible for gross ignorance and inattention are required, and more especially in this country, where the most arrant and unblushing quack is considered *on a par*, and even inspires more confidence than the physician who has devoted his life to the study of his profession.

There is another point connected with this subject that is of no slight importance, namely, what is to be considered the standard by which a medical man is to be judged, for although the law has equal bearings on all, it is evident, from judicial decisions, that much latitude is given to it when brought to bear on particular cases; or, in other words, it has been decided that what would be unjustifiable mal-practice in one member of the profession, would not be so in another. That such is the fact, however strange it may appear, cannot be doubted or denied. Thus, Judge Weston, in the case of *Lowell vs. Faxon and Hawks*—

"That whoever undertakes to practice physic or surgery, holds out to the public that he possesses a competent degree of medical skill, according to the general state of the medical science in the section of the country in which he lives. The highest degree of skill is not to be expected in small towns, where there is little competition and fewer motives for exertion, from the compara-

tive want of patronage, and the limited opportunities for professional improvement."

There can be no doubt as to the correctness of the view taken by Judge Weston, under our existing laws, and yet this very opinion is calculated to lead to strange results; it in fact establishes a different standard of medical skill for each section of country, and even for each village. Who is to decide in such cases? Suppose, for instance, a physician of the highest skill and acquirements settles and practises in a certain section of country, are the professional talents and abilities of all his neighbouring brethren to be measured by his? If so, what was innocent and legal practice before his arrival, becomes criminal after his appearance.

In fact, viewed in every light, the subject is environed with difficulties. It may be said that all this might be avoided by consultations in all difficult cases, or where important operations were to be performed; but this is not always feasible, and even granted that it were, if an unfortunate result occurred the number of supposed criminals would only be increased.

We might go at greater length into this important subject, but must content ourselves at present with advising such of our readers as have an opportunity to attentively peruse this portion of the work in question. R. E. G.

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XVIII. *Arzneymittellehre und Receptirkunde zum Behufe der Vorlesungen*, entworfen von EMANUEL STEPHAN SCHROFF, der Heilkunde Doktor und Professor der Theoretischen und Praktischen Medicin für Wundärzte an der k. k. Medicinisch-Chirurgischen Josephs-Akademie, und KARL DAMIAN SCHROFF, der Heilkunde Doktor und Professor der Theoretischen Medicin für Wundärzte an der k. k. Universität zu Olmütz. pp. 428. 12mo. Wien, 1833.

*Materia Medica and Pharmacy, for the Use of the Followers of the Lectures of E. S. SCHROFF and KARL D. SCHROFF, &c.*

This manual, as the title imports, is intended as an accompaniment to the lectures of the Messrs. Schroff—the former of whom is professor of theoretical and practical medicine for surgeons in the Imperial Medico-Chirurgical Joseph's Academy at Vienna, and the latter professor of theoretical medicine for surgeons in the Imperial University at Olmütz—and it is probably well adapted for the purpose, although it would be but little calculated, we presume, for any other meridian than that of Germany. In proof of this we may cite their remarks on the classification of medicinal agents as well as the classification itself.

"As all the functions of the body may be divided into two classes, namely, into those of organic or plastic (formative) life; and those of animal (sensible and irritable) life, so all remedial agents may be ranged under two divisions—one of which comprises such as affect *plastic life*, whilst the other includes such as more intimately concern *animal life*. It must not, however, be presumed that the agents of one class affect one kind of life only; we are satisfied, that each remedial agent impresses the whole life, (*des gesammte leben*;) we merely maintain, that the agents of the first class *mainly* modify *formative life*, and those of the second class *mainly* the *higher animal life*. Now, plastic life may vary from the healthy condition, both as regards quantity and quality; but the